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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

CENTRAL AFRICAN REPUBLIC

[15 April 1998]

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Introduction

1. On 20 November 1989, by way of demonstrating its determination to promote the survival, protection and development of children, the Central African Republic, like other States Members of the United Nations, adopted the Convention on the Rights of the Child. On 22 July 1992 it ratified this international legal instrument, which had entered into force on 2 September 1990, in order to demonstrate yet again the importance it attached to problems affecting children.

2. Pursuant to article 4 of the Convention, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the ... Convention". It is even specified that, "With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation". The diversity of the regimes which succeeded one another in the Central African Republic, combined with a confusion of powers, had deprived the legislature of its rightful role, so that Central African legislation on children's rights is still in its rudimentary stages.

3. Nevertheless, in order to provide a better understanding of the problems faced by children in the Central African Republic and to formulate policies likely to resolve them, the Government in April 1999 established the National Committee to monitor application of the Convention on the Rights of the Child (CNSCDE), which is responsible for following up, applying and publicizing the provisions of this instrument. The Government also:

(a) Organized the States General on Education and Training in June 1994;

(b) Organized a Children in Difficulty Week in December 1994;

(c) Organized the States General of Children and Youth in November 1995;

(d) Organized the first Children's Parliament on 16 June 1997;

(e) Promulgated the Family Code Law in October 1997.

4. It was in this context, and pursuant to the provisions of article 44 of the Convention, that CNSCDE was asked to prepare the Central African Republic's initial report which, although it reveals a number of shortcomings from the legal, information and sensitizing standpoints, points up achievements in the fields of health and education. The present report was prepared in accordance with the general guidelines.

5. Having emerged from the period which had racked the Central African Republic and notwithstanding the serious social and economic upheaval being experienced by the country, the Government is determined to institute a culture of peace in order to ensure the complete and harmonious development of children, and thereby contribute to the creation of a national conscience as

the source of lasting peace and development. In this enterprise, its hopes are based on the participation and support of all its partners in improving the living conditions of children in the Central African Republic.

I. GENERAL MEASURES

A. Adaptation of national legislation to the Convention

1. Legal protection of the child before the Convention

(a) Penal legislation

6. Owing to a child's lack of discernment, fragility and immaturity, Central African legislation has devised a special system of criminal liability in respect of children and characterized certain acts affecting their physical and moral integrity as offences.

7. Under article 49 of the Central African Penal Code children up to the age of 13 have complete immunity from criminal liability; those between 13 and 16 enjoy attenuated liability and receive only admonitions. Minors of 16, however, are placed in specialized institutions for re-education. Furthermore, publication of the proceedings and decisions concerning a minor is prohibited.

8. Any sentence imposed on a minor may be served only in a specialized penitentiary establishment - either a prison school or a prison workshop. Such is the letter of the criminal law (art. 49 of the Penal Code and arts. 143-147 of the Code of Penal Procedure), but it is unfortunately in total contradiction with reality, since there are no suitable establishments of this kind (juvenile courts, prison schools or prison workshops) in the country at the present time.

9. In accordance with the legislation in force, the president of the court acts as juvenile magistrate; if not, he appoints a judge for this purpose. In other words, the same magistrate tries both adults and minors, at the risk of the latter being tried on the same basis as the former. Furthermore, the absence of psychologists, sociologists and social assistants makes a mockery of the strict application of the law as well as of the social reintegration of the juvenile delinquent. Lastly, in the absence of specialized prison establishments for minors they are held in establishments for adults, the obvious risk being that they emerge even more intractable than when they entered. Finally, it must be admitted that, for want of resources, the Central African Republic is unable to apply its own legislation.

10. The following offences have been defined for purposes of protecting the physical and moral integrity of minors:

(a) Abortion, which consists in the premature expulsion of a foetus, is covered by article 190 of the Penal Code and punishable by one to five years' imprisonment;

(b) Infanticide, or the murder of a new-born child, is covered by article 176 of the Penal Code and punishable by death;

(c) Bodily harm to minors up to the age of 15 is covered by and punishable under article 187; this offence is treated in the same way as excision, covered by and punishable under Order No. 66/16 of 22 February 1966, which abolished this practice in the Central African Republic;

(d) Rape, indecent assault and incitement of a minor to engage in debauchery, covered by and punishable under articles 196, 197 and 201 of the Penal Code;

(e) The abduction of minors, which is covered by article 213 of the Penal Code, is punishable by hard labour for a specific period if the child is under 12 years of age; the fact of the child being a girl or the adduction being accompanied by a demand for ransom constitutes aggravating circumstances;

(f) Failure to declare a child, non-compliance with a guardianship order and depriving a child of food (art. 211-187 of the Code of Criminal Procedure);

(g) Dowry, which was a vital aspect of traditional marriage according to which the future bridegroom or his representative presented an object or a sum of money to the family of the future bride, has been done away with and is punishable by two months to two years' imprisonment (Order No. 66/16 of 22 February 1966);

(h) Article 2 of Order No. 66/26 of 31 March 1966 on the advancement of young girls sanctions "any person who, by promises, offers or presents, pressure, threats, violence, manipulation, tricks or any other means prevents a girl of under 21 years of age from pursuing her studies up to their normal completion".

11. The punishment is more severe if the offender is the father, mother or guardian of the girl, a minister of religion, teacher or any other person in a position of moral authority in respect of the girl. In reality, most of these offences are unknown to the judiciary.

12. In the last two cases, the parents yield to the temptation of money because of their poverty and readily give their young daughter in marriage in exchange for a dowry, thereby preventing her from pursuing her schooling in a normal manner. Moreover, since the parents or guardians are directly involved in some of these offences, such as violence against children or depriving them of food, the law is unaware of their existence unless a neighbour who is touched by the suffering of the child brings a complaint which is usually done anonymously. Lastly, since some of these offences are likely to affect a family's good name, the victim or the family refrains from complaining of the offence out of modesty or pride.

13. In the case of offences involving morals, the avarice of the victim's parents is sometimes such that the problem is solved by the subsequent marriage of the young people concerned against their will, or by the payment of a certain sum to the victim's parents. Here again, the law becomes aware

of what happened only if the future spouse comes out with the truth at some later date or if his parents refuse to pay the sum demanded by the victim's parents.

(b) Civil legislation

14. The civil law that protects the child in the Central African Republic is still the French Civil Code of 1958, under which children are regarded as dependents who are unable to satisfy their material and moral needs. They must not only be fed, housed and cared for, but also provided with guidance by adults, who gradually enable them to achieve emancipation. Their inheritance interests and representation at law are protected.

(i) Protection of interests

15. This involves their support and education, on the one hand, and protection of their succession on the other.

Support and education

16. This duty must normally be assumed by the parents, who should both help to cover the costs involved, both in the case of marriage as well as cohabitation, whether they live under the same roof or separately. Regardless who has custody, the father and mother must both contribute to the cost of supporting and educating their children, in proportion to their means. This obligation usually takes the form of the payment of alimony to the spouse or parent having custody.

17. In reality, the situation is quite different. Some fathers evade this obviously natural obligation by abandoning their children to the mother, even if she is completely penniless, and in most cases she is forced to petition the courts to oblige the recalcitrant father to pay for the support of the child. If she does so the judge usually orders the deduction of part of the father's wage or salary at source if he is employed. Fathers are becoming increasingly indebted to the mothers in respect of the children in their custody.

Protection of the inheritance interests of the child

18. The prospect of an inheritance usually unleashes a lust for money. The deceased's relatives resort to force and trickery in their efforts to seize whatever he left; the idea of a pension, a business, a house or a car makes the relatives lose all sense of dignity and become unconscionable. A real drama is played out, and it is for that reason that legal proceedings are instituted.

19. The absence of local regulations on the subject renders the drama even more lively since it results in a clash of customs, and succession hearings invariably create sharply-defined divisions and even pitched battles between the children, represented by their mothers, and the collaterals (uncles or aunts) who, invoking customary law, try fraudulently to deprive the tearful

widow of her inheritance and lose no time in saddling her with the children. The situation becomes even more complicated if the deceased was polygamous and left several wives and children.

20. It is these situations which give rise to endless argument in the neighbourhood before being eventually referred to the courts. Moreover, Central African legislation, namely, articles 725 and 731 of the Civil Code, accords priority to the children and descendants of the deceased and seeks to have the child's right to the estate prevail.

21. Some collaterals have recently used fraudulent means to obtain succession certificates to the detriment of the children, who are often extremely young. For this reason, and in order to prevent family strife and put paid to the avarice of beneficiaries of succession certificates who abandon completely destitute heirs and widows, Memorandum No. 003 of 21 January 1990 of the Minister of Justice calls upon the courts to conduct detailed enquiries and to issue succession certificates only to a member of the family duly designated by the family council, taking into account the interests of the widow and above all those of the child.

(ii) Representation of the child at law

22. This may occur in two ways - the first, involving parental power, while the parents are alive and the second, involving guardianship, only after the death of both parents.

Parental power

23. This power comprises all the prerogatives granted by law to one of the parents over the person and property of the children. It is covered by articles 371 et seq. of the Civil Code and consists of a wide variety of rights and obligations. It may be noted however that, for the most part, this power remains vested in the head of the family - either the father or mother. In this connection a distinction must be made between two situations:

(a) In the first there is the legitimate family, legitimated, or legitimation by adoption. In all these cases the person exercising parental power is the husband. In the event of divorce, this prerogative is acquired by the parent who has effective custody of the child, such custody being granted by the judge who must take the real interests of the child into account;

(b) The second situation concerns natural children who are treated on an equal footing with adopted children (simple adoption). In these cases parental power is exercised by the parent who was the first to recognize or adopt the child.

24. However, most Central Africans make no distinction between legitimate, legitimated, natural or adopted children (simple adoption) or those born out of wedlock or as a result of incest; these are all western subtleties. In Africa, children are children; they are all equal regardless of how they were

born, which is of no concern to them. The father usually has no hesitation in bringing up his natural children together with his legitimate children since this is likely to favour their development.

Guardianship

25. Guardianship is a means of protecting the child and a civil responsibility which confers on the guardian the power to administer the child's property. It implies the involvement of the guardianship magistrate who acts as assessor. The guardian is appointed either by testament but usually by the family council. As a last resort, the family council and the court of major jurisdiction have the right to supervise the guardianship in the interest of the child. In practice, the provisions of the Civil Code are rarely used for purposes of arranging guardianship simply because the problem is resolved by placing the child in an orphanage, adoption by the nearest relative, or by the deceased's brother marrying the widow.

26. It should also be emphasized that, in the interest of the child, article 10, paragraph 2 of Law No. 61/212 of 27 May 1961 on the Central African Nationality Code automatically confers Central African nationality on any children abandoned or found in Central African territory until such time as their nationality is definitely established by reference to their foreign parents.

(c) Social legislation

27. Owing to the low standard of living and poverty prevailing in Africa children frequently abandon their family at an early age in order to seek a job. The Central African Republic therefore feels that children must be protected against themselves and has accordingly laid down a minimum working age. Efforts are also made to provide them with vocational training and proper health protection.

28. Similarly, and in connection with these problems, children enjoy favourable treatment under the social security system. The Central African legislature has also been paying greater attention to the problem of the employment of children since the introduction of the Central African Labour Code by Law No. 61/221 of 2 June 1961. Efforts in this area are being concentrated on correcting abuses connected with the age of young workers that are likely to jeopardize their normal development. The legislature is also seeking ways of ensuring that young persons can do their work in the best possible conditions.

29. For example, article 125 of the Central African Labour Code, states that children may not be employed in any enterprise as apprentices before reaching the age of 14, except on the basis of a derogation issued by the Minister of Labour in the light of local circumstances and the work that may be required of them. This rule is based on the desire to ensure the normal development of the child up to the age of 13 and also to respect the compulsory school attendance requirement. At the present time, however, the State lacks the financial resources necessary to provide education free of charge.

30. Reflecting a desire to ensure sound vocational training, article 61 of the Labour Code states that a master may take on apprentices who are minors only if he himself is at least 18 years of age. The working conditions of children have, moreover, been defined in greater detail; owing to their vulnerability, they are forbidden to engage in certain activities. Former Decree No. 837/111 of 22 November 1953 on the subject was updated by Decree No. 006 of 21 May 1966 of the Minister of the Public Service, Labour and Social Security.

31. In principle, the heads of enterprises employing children are required to comply with various legal requirements: they must ensure that they work in satisfactory hygienic and safety conditions conforming to the standards laid down, provide moral guidance and uphold public morals in workplaces. In practice, however, legal provisions and regulations are not respected.

32. As regards the right to social security, efforts are being made to assist certain parents to meet the cost of supporting their children by providing family and prenatal allowances, which are regulated by Law No. 65/56 of 3 June 1965 that lays down age requirements and defines dependant children. However, the social security system does not cover all children but only those whose parents work in the private or public service sectors. The children of peasants and the unemployed, who are not only the most numerous but also and above all those in the greatest need of protection, are not covered.

33. Unfortunately, efforts to improve the situation are encountering a major difficulty in that the State's finances make it impossible to extend coverage, as the social security system is already strained to the utmost. However, since the advent of democracy and the multiparty system, the rights of the child are being asserted to a greater extent and real efforts are being made to ensure that our legislation is in complete harmony with the Convention on the Rights of the Child - a point which is discussed below.

2. Legal protection of the child since the Convention

34. Following the ratification of the Convention on the Rights of the Child in 1992, various laws were adopted while others are being adopted or being prepared.

(a) The Constitution of 14 January 1995

35. In 1991, and since the La Baule Summit, the Central African Republic, like other African States, opted for the multiparty system and thereby reached a decisive turning point in its history. Following the election of the President of the Republic in September 1993, the Central African people acquired a new Constitution which reaffirmed the importance of youth. In Title I, namely, "The fundamental basis of society", the Constitution affirms the fundamental human rights recognized in various international instruments.

36. After stating in article 1 that the human person is sacred, article 6 deals with the family and its protection by the State. The State and other public bodies are together responsible for ensuring the physical and moral health of the family and protecting it by appropriate means. According to the third paragraph of article 6, the State and other public institutions are

under an obligation to "protect youth against violence and insecurity, exploitation and moral, intellectual and physical abandonment". This protection is assured by appropriate measures and institutions of the State and other public bodies. Parents have the natural right and primordial duty to raise and educate their children so as to develop in them sound physical, intellectual and moral aptitudes. They are supported in this task by the State and other public institutions. Children born out of wedlock enjoy the same rights to public assistance as legitimate children. Legally recognized natural children have the same rights as legitimate children. The State and other public bodies are under a duty to create the necessary conditions and public institutions which guarantee the education of children.

37. Children, as well as adults, are guaranteed access to instruction, culture and vocational training under article 7. Public establishments are required to provide young persons with education and instruction. However, private establishments may be opened with the authorization of the State.

38. The fourth paragraph of article 9 states that laws will fix the conditions of the assistance and protection accorded to workers and more particularly to the youngest, the oldest and the handicapped, as well as to those who have health problems due to their working conditions.

39. As may be seen, the State and public bodies are clearly under a duty to care for young persons. Private initiative is not excluded, although it is subject to State control in the best interests of the child, and it is on this basis that associations or non-governmental organizations dealing with children, day nurseries and primary schools are being created by private individuals.

40. The terms contained in the Convention on the Rights of the Child have been extensively used in the Constitution which, in article 6, refers to non-discrimination in respect of children (article 2 of the Convention), the best interests of the child and the exercise of rights (articles 3 and 4), physical and moral health (article 24) and the protection of the child against violence and insecurity, exploitation and moral, intellectual and physical abandonment (articles 33 to 38 of the Convention).

(b) <u>The juvenile delinquency bill</u>

41. This bill, which defines the child as any human being under the age of 18, establishes children's courts and prohibits the trial of children in courts of general jurisdiction (see also para. 60 below). It provides for proper procedure in the interests of the child, the designation of a specialized judicial police officer, a lawyer, the initiation of a social investigation, the placement of the child pending the trial, the composition of the children's court, prohibition of public hearings, the review of measures applied in respect of the minor, etc. It also embodies all the provisions of article 40 of the Convention concerning the administration of juvenile justice.

42. With this new legislation, the Central African Republic is well on the way to finding a durable solution to problems connected with the administration of juvenile justice. The importance attached to these thorny

problems is illustrated by the fact that five judges have received special training as juvenile magistrates, but even so the number of such magistrates is still woefully inadequate.

(c) The family and persons code bill

43. The fact that the French Civil Code does not reflect Central African conditions and the difficulties encountered in its application have led to the preparation of a family and persons code bill. This bill will protect children in many areas, the main ones being described below.

44. Biological affiliation (legitimate affiliation, natural affiliation and legitimation) as well as adoption (full or simple) are recognized. Any person of either sex who has not yet reached the age of 18 is regarded as a minor. The person of the minor is governed by the rules of parental authority. The minor's property is managed in accordance with the rules of statutory administration or guardianship.

45. This bill uses the concept of parental authority, thereby putting an end to that of parental power; for example, it covers cases in which the mother may exercise parental authority. Moreover, under articles 574 et seq., parental authority is exercised jointly over legitimate children by the father and mother. During the marriage, parental authority is exercised by the father as head of the family; however, any of his decisions which are contrary to the interests of the child or the family may be modified or rescinded by the judge of the child's domicile at the request of the mother in accordance with judicial review procedure.

46. The judgement pronouncing divorce or judicial separation also covers custody of the child who, in his or her best interests, will be entrusted to one of his or her parents or, if necessary, to a third person, either physical or legal. The child's guardian exercises the various rights inherent in parental authority over the person and property of the child. The court determines the circumstances in which the parent deprived of guardianship may enjoy visiting rights. Regardless of the person to whom the child is entrusted, the father and mother continue to contribute to his or her support in proportion to their resources. Parental authority is exercised by the guardian if the two parents die. Decisions concerning the minor's future may, if necessary, be submitted to the family council for discussion.

47. A natural child whose affiliation to the two parents is established is treated in the same way as a legitimate child for purposes of assigning parental authority. A child whose affiliation has been established only in respect of the mother is placed under her authority unless the judge, in the event of subsequent recognition by the father, decides to transfer parental authority to the latter. Parental authority over an adopted child is exercised by the adopter; if the child is adopted by the two spouses, it is exercised in the same way as over a legitimate child.

48. The person entrusted with parental authority is responsible for the moral guidance and material welfare of the child; his or her prerogatives may be exercised only in the interests of the minor. The person assuming responsibility for the custody of the child has the right and duty to

establish the child in their domicile, to supervise his or her acts and relations, to make funeral arrangements and cover funeral costs and to have the child's memory respected. The exercise of parental authority implies the power to reprimand and chastise to the extent compatible with the age and understanding of the child. Any decisions taken with respect to the minor in the exercise of parental authority may be referred, by any relative concerned, to the judge of the minor's domicile, whose ruling takes the form of a court order. Parental authority ends with the majority, marriage or emancipation of the child.

49. If the health, safety, morals or education of a minor are jeopardized, correctional measures may be applied to him or her as an endangered child. The child's support is paid for by the person exercising parental authority and by those of whom food can be claimed. A child who is taken in by an individual or a charitable body and in whom the parents have obviously shown no interest for over one year may be declared abandoned by the court of major jurisdiction unless one of the parents has, within that period, petitioned for custody of the child and the court has declared the petition to be in accordance with the interests of the minor.

50. The person exercising parental authority is the legal administrator of the unemancipated minor's property; such legal administration ceases when the child acquires majority.

B. Local or national coordination; follow-up of the Convention; dissemination of the report among the public

1. Local or national coordination of activities on behalf of children

51. Although there is no national body that coordinates activities on behalf of children, a few scattered bodies at the local level are concerned mainly or in part with children.

52. In addition to various international bodies in the Central African Republic that seek to promote the protection, care and development of children, there are several non-governmental organizations that care for children in difficulty insofar as their resources permit. The "Espace Enfants" - a State body responsible for coordinating and supporting the work being done by non-governmental organizations for children in difficulty (street children) - is active only in the town of Bangui for want of resources and coordination. In view of the adoption of the new decentralization and regionalization policy, it would be desirable to create coordination machinery at the local level and adopt a child-care policy, and also to draw up a sectoral policy with the non-governmental organizations at the national level.

2. National Committee to monitor application of the Convention

53. The ratification of the Convention on 22 July 1992 was followed by the adoption, on 30 January 1993, of a National Plan of Action for the Survival, Protection and Development of Children in the Central African Republic and the establishment, on 17 April 1993, of the National Committee to monitor

application of the Convention (CNSCDE). The main purpose of this Committee, which is a sort of national committee on the rights of the child, is to follow up the implementation of the Convention.

54. Its three main functions may be described as:

(a) Monitoring the application of the Convention on the Rights of the Child;

(b) Assisting in the implementation of the National Plan of Action for the Survival, Protection and Development of Children; and

(c) Coordinating the activities of associations, the authorities and non-governmental organizations on behalf of children.

In the course of its work the Committee:

(i) Uses information on all matters relating to children made available through meetings, lectures, discussions, radio or television broadcasts, articles, brochures, etc.;

(ii) Organizes seminars and symposia on the rights of the child;

(iii) Has documents prepared by individuals or groups at its suggestion or under its guidance as well as others which it encourages or sponsors;

(iv) Submits opinions or recommendations to the Government, particularly on all matters relating to the rights of the child;

(v) Evaluates action taken on behalf of children;

(vi) Prepares reports on what is being done in the Central African Republic to implement the Convention on the Rights of the Child;

(vii) Submits these reports within the time-limits specified to the Committee on the Rights of the Child; and

(viii) Disseminates these reports.

55. The Committee cooperates with all affiliated members as well as with national and international institutions intent on the promotion and development of the child. It is supervised by the Ministry of Justice which regularly receives reports on all the Committee's activities, as well as those to be submitted to the Committee on the Rights of the Child.

3. Dissemination of the report among the public

56. Information about the rights of the child in the Central African Republic and the sensitization of public opinion constitute real problems. Steps will therefore be taken to make the provisions of the Convention on the

Rights of the Child known and to ensure broad dissemination of the present report by arranging radio and television broadcasts and discussions, discussions in primary and secondary schools, villages, etc., as well as meetings, seminars, symposia and exhibitions.

57. An important point to note is that the teaching of children's rights, together with human rights teaching, will occupy pride of place in primary and secondary schools.

II. DEFINITION OF THE CHILD

A. Legal definition

1. In civil matters

58. The child is defined as "a person of either sex who has not yet reached the age of 18" in the draft family code (art. 571). In civil matters, the draft code provides for the marriage of a minor in cases of force majeure as, for example, in pregnancy as a result of sexual relations before the age of majority; however, the consent of the parents is mandatory.

59. According to this draft code, a minor is not empowered to perform a juridical act, and under article 214 "no person may contract marriage before the age of 18". Consequently, he may not seek legal advice, in other words, consult a judge, lawyer, etc. before the age of 18. As regards civil liability, the minor cannot be held personally responsible for any damage he or she causes.

2. In criminal matters

60. The child is defined as "a human being under the age of 18" in article 1 of the draft juvenile delinquency law, under which the child may not be tried by adult courts. In practice, however, children are at present tried by such courts, since the draft code has yet to be adopted by the National Assembly. The logical consequence is that they are imprisoned together with adults. According to the Central Census Office, over 638 children were imprisoned in 1988.

3. Civic rights and military service

61. The principle of majority at 18 years of age was reaffirmed both by the age at which a person is entitled to vote and also the age of conscription or enlistment in the armed forces. The age at which a person may stand for election is fixed at 25 by article 4, paragraph 2 of the Electoral Code of 16 November 1992.

4. In social matters

62. Under article 125 of the Labour Code of the Central African Republic a child of 14 may be hired as a worker except for jobs entailing risks, in which case he or she must have reached the age of majority, namely, 18. He is not allowed to carry loads of over 50 kg or to work at night, in other words, between 10 p.m. to 5 a.m.

5. Medical consultations

63. The law is silent on this point. In practice a child may consult a doctor alone from the age of 12 or 13, depending on his or her intellectual maturity. Very often, girls a little under this age go to health centres seeking advice about problems connected with their fertility without their parents, either out of discretion or fear of their father or mother in the case of early pregnancy.

B. Legal definition

64. From the standpoint of schooling, the end of compulsory education and the age of majority are indicated in Order No. 84/031 of 14 May 1984 on the organization of the educational system. An exception is made in respect of children who find a job at the age of 14. However, under Order No. 66/26 of 31 March 1996, education is compulsory for girls up to the age of 21 in order to protect those of school age.

C. Regulation of the consumption of alcohol or other psychotropic substances

65. The consumption of alcohol or other psychotropic substances in the Central African Republic is regulated on the basis of age. However, admission to bars and dance halls is governed by Decree No. 61/107 of 24 June 1961 on the protection of young persons. In reality, however, there is considerable laxity in this respect, since children are often to be seen consuming alcoholic beverages or hallucinogenic substances without any action being taken.

III. GENERAL PRINCIPLES

A. Non-discrimination

66. The Central African Republic's impressive array of general legal principles and measures covering discrimination of every kind is designed to protect Central African and foreign children living in the country. These measures concern the right to education, culture and vocational training and provide for the legal protection of minors and children both in respect of their parents as well as society.

67. These domestic measures are supplemented by international legal instruments (the African Charter on Human and Peoples' Rights, International Bill of Human Rights) which have been ratified by the Central African Republic and do not require further elaboration since domestic legislation reflects the principles they embody. For example, article 7 of the Constitution promulgated on 14 January 1995 states that children are guaranteed access to sources of knowledge, instruction, culture and vocational training. Yet the application of these various principles raises insurmountable problems, since existing schools and educational infrastructures in the country are finding it extremely difficult to function properly (too many students).

68. Very often the authorities seek the assistance of international bodies, such as the Office of the United Nations High Commissioner for Refugees and

non-governmental organizations, in their efforts to meet the needs of displaced populations. Yet it is clear that this approach will not solve problems connected with the education and training of children in view of the condition of the educational infrastructure which, for the most part, depends on international assistance. Even more important, school fees for foreign children enrolled in Central African public schools are not the same as those of citizens.

B. Best interests of the child

69. It is worth mentioning, in connection with the legal protection of the rights of the child and the resolutions adopted on the subject of children and adolescents, the provisions of the draft family and persons code and the recommendations of the States General on Children and Youth held at Bangui in November 1995.

70. For example, under article 211 of the draft family code a minor under 18 years of age may not contract marriage without the consent of the persons who exercise parental authority. Failure to respect this provision invalidates the marriage by judicial decision in the following cases: defect of consent, consent obtained by threats or absence of family permission.

71. The penalties for failure by parents to respect their rights and duties towards their children are described in articles 263 and 264 of the draft code, under which parents are under an obligation to feed, support and bring up their children. This obligation, which is described as permanent and indivisible, is applicable regardless of the marital situation of the spouses.

72. Failure to observe the provisions of these articles results in the deprival of parental authority if one of the spouses or any other person exercising such authority has been sentenced for the following reasons:

(a) Inciting his or her own children or another minor to debauchery;

(b) A crime or offence against their under-age child;

(c) If the father, mother or any other person who, sentenced or not, seriously endangers the health, safety or morals of the child or children by ill-treatment, by immoral examples of blatant misconduct, or lack of care or guidance.

Proceedings to deprive a person of parental authority may be instituted by the Government Procurator's Office or by any witness of good faith. Article 600 of the draft family code states that complete or partial deprivation of parental authority has the effect of transferring such authority to the other parent or to the court, which then delegates its exercise to another person.

73. Among other measures not falling into the above category are the recommendations adopted by the States General on Children and Youths, which is a national forum devoted to the care, reintegration, health, social and educational problems of young persons. Officials of ministerial departments responsible for problems of children and young persons, as well as

representatives of all segments of society and local communities, participated in this event. The following recommendations were adopted on completion of its work:

(a) On the subject of child welfare, participants advocated strengthening and extending maternal and child health and family planning services at all health centres in the Central African Republic, as well as the participation of non-governmental organizations in the planning of activities in this area;

(b) The social reintegration of young persons should be brought about by the introduction of a national plan for the promotion and rehabilitation of young persons with a view to coordinating activities at the grass roots level in rural and urban areas; and

(c) Promulgation of a law establishing a national fund for the promotion of children and young persons to which territorial communities should contribute 15 per cent of their budget.

C. The right to life

74. The Central African legislature, through the Penal Code and specific laws, has endeavoured to protect children not only against offences that may affect them directly but also against indirect acts likely to jeopardize their social adaptation.

75. Abortion constitutes the primary violation of physical integrity. Under article 190 of the Penal Code correctional penalties may be imposed on a woman who has provoked an abortion herself or on those who have aborted her. The punishment is greater for second offenders, amounting to one to five years' imprisonment and a fine of 200,000 to 2 million CFA francs. For doctors, the punishment is 5 to 10 years' imprisonment and a fine of 1 to 6 million CFA francs, and they are not allowed to practise for a period of five years. Infanticide, namely, the deliberate murder of a newborn child, is punishable by the penalties provided for murder or assassination, namely, death or life imprisonment.

76. In addition to these two cases in which the life of the child is cut short at conception or birth, there are many other kinds of situations in which the physical integrity of the child may be violated. Apart from the fact that a child, like an adult, can be murdered, article 197 of the Penal Code refers to several examples of violation of physical integrity and, by derogation of the principle that the offence of commission is not done by omission, equates deprival of food and care with violence.

77. If the child is under 15 years of age, the maximum penalties are five years' imprisonment and a fine of 6 million CFA francs, depending on the extent of the injury and the personality of the perpetrator of the violence. The fact of the person concerned being a parent or someone exercising authority over the child constitutes an aggravating circumstance. This severity is explained by the fact that the violence is done by a person who should be expected to protect the child's physical integrity. A specific point that should be mentioned in this connection is that a mortal blow dealt

to a child is punishable by death, and that it is unnecessary to establish intent to kill or premeditation; however, the law states that the blows dealt or the deprival of food must reflect a consistent pattern.

78. As a means of providing better protection for children under the age of 14 and identifying child-batterers, article 40 of the Penal Code states that relatives of the criminal and his accomplices who fail to call attention to the crime may be punished by a maximum term of three years' imprisonment and a maximum fine of 2 million CFA francs.

79. Offences against public morals and decency of which minors may be victims may consist either of physical violence or sexual molestation. In the case of rape, the fact of the victim being under 15 years of age constitutes an aggravating circumstance. It is punishable under article 197 of the Penal Code by hard labour for specific periods.

80. The freedom of minors can also be affected in a direct manner. The abduction of a minor is an act likely to traumatize and affect the victim's health, and if the child is under 15 years of age, the act is punishable regardless of the motives, which may include removal of the minor from the authority of the guardian.

81. The punishment is from 5 to 10 years' imprisonment. The maximum penalty is imposed on the offender if he is employed in an educational establishment attended by the minor. If the child is 12 years of age or less, the abduction becomes a criminal offence and is punishable by hard labour for specific periods.

82. The abduction of a minor, regardless of age for purposes of ransom is resolutely condemned by Central African legislation. "Seduction abduction" may be prosecuted only by the parents of the minor, but in the event of marriage its annulment must first be requested. Order No. 66/26 of 31 March 1966 on the protection of young girls raises the age of civil minority to 21 and extends the scope of the indictment. In 1961 it was found necessary to punish the substitution of one child by another and the attribution of a child to a woman who had not given birth.

83. The family constitutes the child's natural protective environment and the initial focal point of his or her social adaptation. Its role is so important that it would be difficult to find another environment suitable for the child's development. For this reason, the abandonment of the matrimonial home by the wife constitutes a serious violation of public order. A wife who was married on the basis of customary law and abandons the matrimonial domicile is punishable under the Decree of 19 November 1947 by imprisonment for a minimum of three months and a maximum of two years. The Penal Code reproduces these provisions and refers to "either spouse", so that the husband is also punishable if he abandons the matrimonial domicile and his mistress becomes liable to prosecution for complicity, as is the lover of the absconding wife (art. 212 of the Penal Code). The offence may be prosecuted only on the complaint of the spouse who remained at home, against the one who evaded all or part of his or her moral and material obligations. The plaintiff remains master of these proceedings.

84. However, if the marriage is dissolved and the parent who has custody of the children abandons the family domicile, the Government Procurator's Office may of its own motion bring abandonment proceedings, since the offence endangers the family as a whole and steps have to be taken to ensure respect for the obligations implicit in parental authority. By regulating the way in which the parents perform their duty of bringing up their children and by punishing abandonment of domicile, the legislature has demonstrated that the child is in need of the moral guidance of which he has been deprived by the person abandoning the home.

D. Respect for the views of the child

85. Respect for the views of the child is not covered by any specific legal provisions in the Central African Republic, even though article 13 of the Constitution of January 1995 deals with this matter in a general way. However, the views of a child considered capable of discernment are taken into consideration at law when his or her interests are at stake.

86. In most cases, respect for the views of the child is ensured by the father and mother who exercise paternal power over the person and property of their child. After their death, the child is entrusted to a guardian who will then have the power to control the person of the orphan and administer his property in exercise of the prerogatives inherent in paternal power. The views of the child are obviously expressed indirectly through his or her mother and father and, in the event of their death, through the guardian or subrogate-tutor until such time as he or she reaches the age of majority.

87. Outside this legal framework, national customs all reflect the conviction that the child has no views, so that a child who contradicts an adult commits a sacrilege, regardless how justified his or her opinion may be. This was confirmed in the course of our inquiries and research aimed at determining the views of the population on the problem of respect for the views of the child. Large numbers of parents consider that the child has no views and should simply obey.

88. Yet in some families the idea of respect for the views of the child is gaining ground. In short, despite the existence of a wide variety of provisions intended to protect the child, there is evidently a gap in the law on respect for the views of the child on the one hand and a problem of cultural readaptation on the other.

IV. CIVIL RIGHTS AND FREEDOMS

89. Civil rights and freedoms are protected by legislation, by regulations and above all by the Constitution. The seventh paragraph of the preamble to the Constitution of 14 January 1995 states that "The Central African People [is] resolved to construct a State of law founded on a true pluralist democracy, guaranteeing the security of persons and goods, the protection of the most feeble, notably vulnerable people and minorities, and the full exercise of fundamental rights and liberties." Article 4 goes on to say that "The freedom to come and go, to and from residence and establishment, throughout the territory is guaranteed to all subject to the conditions established by law." It is therefore clear that civil rights and freedoms,

and particularly those of children who fall into the "vulnerable people" category, constitute one of the major concerns of the Central African legislature.

A. Name and nationality

1. Name

90. The right of a person, and particularly of a child, to a name is protected in a general manner in the Central African Republic, since under articles 2, 5 and 6 of Law No. 65/70 of 3 June 1965 on names, "every person has the right to a name". This Law covers the legitimate child as well as the natural child recognized by his mother, the child disowned by his father (who assumes the name of an ascendant), and even the child whose parents are unknown and the adopted child. In other words, the child enjoys considerable protection from the standpoint of the provisions of article 7 of the Convention on the Rights of the Child, since Law No. 65/70 referred to above not only proclaims the right of every person to a name but also makes no distinction between children, regardless of their status (legitimate, natural, adopted, abandoned, foundling or disowned).

91. Another point that deserves mention is that, contrary to what happens in the west and elsewhere, where the child is baptized at birth with his father's patronymic, the name acquired in the Central African Republic is not necessarily that of the father but one having a meaning, in the sense that it refers to something - generally an event, the place where the mother gave birth, a mark of affection, admiration or recognition of someone, or one that is common in the region. Only very recently, and above all in urban areas, have parents begun to give their child the name of the father, adding another one with a special meaning.

92. Moreover, in Muslim circles and in the Mbororo minority the child is given a name during a ritual ceremony celebrated on the seventh day following his birth.

2. Nationality

93. The right of any child born in the Central African Republic to a nationality is guaranteed by Law No. 61/212 of 27 May 1961 on the Central African Nationality Code, as amended by Order No. 66/64 of 30 August 1966. Article 1 of this Law states that "The law stipulates which individuals possess Central African nationality at birth." Such naticnality may be acquired or lost after birth by operation of law or by a decision of the authorities taken on the basis of the conditions laid down by law.

94. Article 3 of this Law adds that the nationality provisions of duly ratified or promulgated international treaties or agreements are applicable in the conditions provided for by the Constitution (art. 39), even if they are contrary to the provisions of national legislation. This provision is noteworthy in that it recognizes that international instruments have precedence over domestic law in order to prevent the child from being stateless.

95. Article 6 of the Central African Republic's Nationality Law states that "Every person born in the Central African Republic is a Central African" as a means of ensuring that all children born in the country have a nationality at birth. In other words, all children born in the country enjoy jus soli and are assured of a nationality at birth, regardless of the status of their parents, and this is precisely how the situation of children born of unknown parents, found in the Central African Republic and presumed to have been born there, is dealt with in article 10, paragraph 2, of the Nationality Code Law.

96. It may be added that, in view of the abuses committed by foreigners in acquiring Central African nationality by means of falsified documents (usually forged birth certificates and decisions based on suppletory birth certificates obtained as a result of false statements), this Law is being amended by the Ministry for the Administration of the Territory and National Security and will be submitted to the National Assembly.

B. Preservation of identity

97. The identity of the child is protected in the Central African Republic because, as we have seen above, his or her name and nationality are governed by legal provisions. Moreover, under Order No. 69/33 of 1 July 1969 on civil status in the Central African Republic in article 33, it is mandatory to declare births within the month following the birth; failure to do so means that the registrar can record the birth only on the basis of a decision by the court in the place of the child's birth.

98. According to this Order, "The birth certificate is drawn up immediately and signed by the person declaring the birth as well as by the registrar" (art. 34), and article 35 indicates the information that must be entered on the birth certificate, namely, the day, hour and place of birth, as well as the profession and the normal domicile of the person making the declaration. This information must be supplemented by the name and first names of the registrar who completed the certificate.

99. Central African Law also stipulates that the nationality of the parents must be indicated in the birth certificate so that, if necessary, the nationality of the child can be determined. In practice, however, owing to administrative delays birth certificates are not drawn up immediately as indicated in article 34 of the above Order. It may be added that the provisions of Order No. 69/33 are supplemented by those of Order No. 69/34 of the same date introducing transitional measures governing the registration of births and marriages that are not declared within the period specified.

C. Freedom of expression

100. This right is guaranteed to all under article 13 of the Constitution of 14 January 1995, which states that "The freedom of individuals to express and to disseminate their opinions by word of mouth, in writing and graphically ... is guaranteed." Although no specific provisions guarantee children the right to freedom of expression in the Central African Republic, there are certain exceptions in the sense that society allows children to express themselves in writing (examples being budding poets and youth

associations). Mention should also be made of the Children's Parliament in which children have for the first time put questions to the political and administrative authorities of the country.

D. Access to information

101. Apart from article 13 of the Constitution of 14 January 1995, which refers to this subject in a general manner, there are no specific provisions on the matter. However, the Central African Republic's radio and television broadcasts include programmes for children, such as "Children's hour", "The world of tiny tots" and "Saturdays turn me on". Unfortunately, television programmers fail to take children into account in selecting the films they show as well as the times at which violent or "adult" films that could give children ideas are shown. It must be added that, at the various seminars organized on the situation of children in the Central African Republic and especially the Children in Difficulty Week, protests were raised against television programmes and appropriate recommendations made on the subject.

102. In the urban areas there are a number of cultural centres but unfortunately they are very few and far between and their libraries do not contain many children's books. Moreover, these libraries are not accessible to all children owing to the high membership fee. Lastly, the poverty of parents and a general lack of interest in reading constitute handicaps for children wishing to acquire worthwhile books.

E. Freedom of thought, conscience and religion

103. Although these freedoms are guaranteed in general to all citizens by the Constitution, there are no specific legal provisions on the subject. In practice, it has been noted that parents in the towns allow their children a certain leeway in religious matters if they themselves do not practise their religion. In the rural areas, however, parents are sometimes wary of religions that are not their own and do not allow their children to hold other beliefs. It is therefore in animist families that children can exercise freedom of religion, both in urban as well as in rural areas.

F. Freedom of association and of peaceful assembly

104. Freedom of association, even if not covered by a law or provision dealing specifically with children, is recognized by the new Constitution of 14 January 1995, article 12 of which states that "All citizens have the right freely to form associations, groups, etc. ... provided that they comply with the relevant laws and regulations." Until quite recently, however, associations have had a hard time obtaining authorization, and some of them had to wait over 5 to 10 years for recognition by the competent authority, namely, the Ministry for the Administration of the Territory and National Security.

105. Aware of the red tape involved and the obstacles encountered by adults in forming associations, young people get around these difficulties by creating their own and running them on a de facto basis. It may be added that, generally speaking, the State tolerates associations formed in this way. At the present time there are very few recognized youth associations in the

Central African Republic. The relevant provisions on the subject are contained in Law No. 61/233 of 27 May 1961 on associations in the Central African Republic.

G. Protection of privacy

106. The Convention on the Rights of the Child states that the child has the right to be protected against any interference with his or her privacy, family, home or correspondence and against unlawful attacks on his or her honour. In the Central African Republic, the various rights listed above are not enforceable against parents. In relation to third parties, however, there are a number of provisions with a deterrent effect which are intended to protect the child against any attacks to which he or she might be exposed, in addition to the Constitution which protects the home and family in general. For example, the Penal Code contains provisions that make immoral acts, public insults, defamation and interference with correspondence and domicile punishable (arts. 196, 197 and 204).

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

107. The wide variety of instruments adopted to protect the child in this area include the Penal Code, specific regulations and the Constitution. Articles 172, 175, 196, 197, 200, 201, 207 and 210-214 of the Penal Code, for example, cover and provide for the punishment of torture and barbaric acts, violence and ill-treatment, immoral acts, indecent acts, the rape of minors, the pawning of a person, abduction accompanied by physical torture, non-compliance with a guardianship order, the abduction of a child, etc.

108. Other provisions include:

(a) Law No. 60/95 of 20 June 1960 on protection of the morals of Central African youth;

(b) Law No. 66/26 of 31 March 1966 on the advancement of young girls;

(c) Imperial Order No. 78/034 of 19 May 1978 on the physical and moral protection of young persons living in an educational establishment or boarding school; and

(d) Imperial Order No. 79/077 of 2 June 1979 on the protection of youth.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance

109. Although there is no Central African legislation on the subject, the State recognizes the importance of custom, since in the Central African Republic the child is the centre of attention of the entire family and even of society as a whole. Moreover, the State provides guidance for children at school.

B. Parental responsibilities

110. In accordance with article 1384 of the French Civil Code, applicable in the Central African Republic, the father and mother are liable for any damage caused by their under-age children living under their roof. Moreover, in accordance with the French Law of 22 September 1942, applicable in the Central African Republic, the rules laid down in this connection are of a "public order" nature, in that the spouses cannot derogate from them by private agreement. Parental power is covered by article 213, which states that "the husband is the head of the family ...", paragraph 2 of which goes on to say that "The wife and husband are responsible for the material and moral welfare of the family, for contributing to its maintenance, for bringing up the children and for promoting their development".

111. The duty of each of the spouses to contribute to household expenditure is covered by article 214: "If the marriage contract does not specify the contribution to be made by the spouses to family expenditure, they shall do so in proportion to their respective abilities". This obligation places the heaviest burden on the husband. This Law, which is still applicable in the Central African Republic, in accordance with the Plantey ordinance principle, has also been overtaken by events, because very often women both in urban and rural areas or working as wage earners contribute equally to the support of the children. In view of the difficulty of making ends meet, both parents contribute to the support of the children, often in equal proportions. It may be noted that, for various reasons, increasing numbers of women are now bringing up their children alone.

C. Separation from parents

112. Children are protected by various legislative provisions in the event of the separation, disability or death of the parents. Legal remedies are available to the mother as well as the child if the latter is abandoned by one of the spouses.

1. Legal declaration of paternity

113. This was introduced by Law No. 65/23 of 20 November 1965, but excludes children born of adultery or incest. The Law provides for the institution of proceedings and immunity from liability, the mother and child being empowered to bring an action. The Law also allows the child to bring a paternity suit up to the age of majority.

114. The Law on the legal declaration of paternity is not known widely and even when it is, it is wrongly applied. In practice matters of this kind are settled by the family itself. Since the child belongs to the family group, no difference is made between a child who is legitimate, natural or the result of adultery, but the family is ashamed of a child born of incest. This legal declaration of paternity is made only in cases of separation or divorce.

2. Separation and divorce and their consequences for children

115. The principle proclaimed by the law is that the child should live with his parents and should not be separated from them against his or her will.

In some cases, however, separation is in the interest of the child, namely, in the event of the separation of the parents or if the child has been ill-treated.

116. Although Central African law provides for visiting rights or the right to the child's custody, it is only too frequently disregarded; it should be borne in mind that, in the context of family relationships, custom stands in opposition to the law which it very often holds in check. The law states that children are not automatically entrusted to the spouse who obtained the divorce but - very often after a social investigation ordered by the judge - to the spouse who appears to be in the best position to look after them. That spouse retains custody even if the divorce was granted because he or she was at fault. The children can also be entrusted to the custody of a third person if that is in their interest. The parent who failed to obtain custody of the child retains visiting rights, as well as the right to monitor the child's upbringing and welfare.

117. The principles of customary law are usually applied in practice, which is not a bad thing. However it is unfortunate that, under customary law which regards the child as belonging to the father's family, the child is in every case placed in the custody of the father even if it is not in his or her interest. As a result, large numbers of children who are ill-treated by their stepmothers suffer both physically and mentally to such an extent that in some cases they drop out of school and end up in the street, swelling the number of delinquents.

D. Family reunification

118. There are no legal provisions on this subject. However since the Central African Republic is a signatory of a large number of international instruments such as the Geneva Convention, the African Charter on Human and Peoples' Rights and, very recently, the Convention on the Rights of the Child, the application of this principle does not raise any problem since the Constitution of 14 January 1995 states that international agreements take precedence over national legislation.

E. Recovery of maintenance

119. This procedure is provided for by Decree No. 68/028 of 12 January 1968 on attachments, transfers and the withholding of the wages or salaries of persons employed in the private sector and of public officials; the purpose of this Decree is to facilitate the recovery of maintenance in the best interests of the child. However, in view of the average income of the Central African worker, maintenance allowances are often insignificant and cannot really cover the needs of the child. Moreover, regardless of the amount recovered in this way, it is often found that the allowance is used for other purposes.

F. Children deprived of a family environment

120. The child may be deprived of the family environment in various ways, as by illness or armed conflict. Since increasing numbers of children have been affected in recent years, the State and certain private institutions have provided facilities for their care and protection.

1. Government facilities

121. These are provided by the Ministry of Social Affairs and its subordinate bodies such as the Mother and Child Care Centre and the Espace Enfant.

(a) The Ministry of Social Affairs

122. This Ministry is responsible for elaborating a policy for the protection of children and the family, as well as for the introduction and monitoring of rehabilitation and social reintegration programmes. Pending the implementation of this policy which is being formulated, progress has been spotty and limited. Nevertheless, mention may be made of certain not insignificant achievements, such as the creation of the Mother and Child Care Centre and the Espace Enfant.

(b) The Mother and Child Care Centre

123. This Centre, which was established in 1972, takes in orphans and ill-treated or abandoned children of under 4 years of age. It also takes care of children whose mothers are seriously ill or hospitalized and who have no relatives capable of replacing her, and is accepting increasing numbers of mothers infected by HIV/AIDS.

124. The Centre, which has a capacity of 60 beds, takes care of an average of 16 children - a figure in stark contrast with the estimate of 4,000 orphans provided by the Central Census Office (1988 figure). This low number is indicative of a practice common in Africa, where orphans are cared for by the family itself - even if it is incapable of looking after them properly. Only abandoned children are placed in institutions. Their stay in the Centre is in principle of a temporary nature, since its purpose is to promote the resumption of contact with the family to which the child can then be returned. If this is impossible, children of over 3 years of age are placed in a more appropriate centre or put up for adoption.

125. The Centre is beset by financial and material difficulties, since its budget (for feeding the children as well as staff and maintenance costs) is purely symbolic, and is far from meeting all requirements. Moreover the care received by the children is a source of genuine concern, since the staff do not always possess the required qualifications. Studies have revealed that on average one child out of three dies, which is indeed a high rate in view of the fact that the Centre is simply a transit point in the placement of children.

(c) The Espace Enfant

126. This institution was created in June 1992 on the initiative of the Bangui town council. It was initially meant to be a reception centre for a maximum of 150 children, and its purpose was to seek out and recover street children, teach them to read and write and occupy them in handicraft workshops. In addition it provided children with meals and clothing and instructed them in principles of personal hygiene.

127. Pursuant to the recommendations made during the Children in Difficulty Week, the Espace Enfant was transformed into an NGO coordination body with the task of supporting activities on behalf of street children and placed under the Ministry of Social Affairs in 1995. It may be added that its activities are not limited to the town of Bangui.

2. Non-governmental institutions

128. These institutions, of which there are many, cooperate with the Ministry of Social Affairs in promoting the rehabilitation and social reintegration of children; they do not, however, enjoy operational autonomy, are beset by numerous material and financial problems and lack qualified staff, which makes it difficult for them to achieve their objectives. Furthermore, their activities are usually limited to Bangui (see section VI below entitled "Health and welfare").

G. Adoption

129. The law applicable in this respect is still the French Civil Code. However, owing to the lack of established adoption criteria, the inability of the social services to make reliable inquiries and the many irregularities observed in connection with the adoption - and particularly the full adoption - of Central African children by foreign nationals, steps have been taken to curb abuses. Parents who have taken in under-age children are therefore offered the choice between adoption (simple or full) and guardianship.

130. A committee responsible for arranging the adoption of children was established by Decree No. 95/06 of 21 April 1995 and is presided over by a magistrate of the court of major jurisdiction. Yet despite these precautions, a number of Central African nationals get around legal adoption procedures and apply for guardianship orders, which in certain cases result in the ill-treatment of children.

H. Illicit transfer and non-return

131. These matters are dealt with in chapter III of the Penal Code under the heading "Crimes and offences against children", and more specifically by article 211. Moreover, article 212 of Law No. 64/26 of 20 November 1964 states that:

> "Any person who has, by fraud or violence, abducted or has had abducted, minors of under 15 years of age, or moved, removed or transferred them, or has had them moved, removed or transferred, from the premises in which they had been placed by the authority or department to which they had been entrusted shall be punished by five to ten years' imprisonment.
>
> "If the minor is a girl below the age of 18 and a student in an educational establishment and has been removed or abducted by a person employed by that establishment, he shall be punished by the maximum term of imprisonment.

"If an under-age girl abducted or removed in this way has married her abductor, the latter may be prosecuted only on the basis of a complaint by persons who have the right to request the annulment of the marriage and may be condemned only after such annulment has been pronounced."

132. Article 213 of this Law states that:

"If the minor is a girl and has been removed or abducted by a person employed by that establishment, he shall be punished by the maximum term of hard labour for a specific period.

"This maximum term of hard labour shall be imposed regardless of the age of the minor if the offender has been paid or had the intention of being paid a ransom by the persons under whose authority or supervision the minor had been placed."

133. Lastly, article 214 of the Penal Code provides for punishment in cases where a child whose custody was entrusted to a person by a court order is abducted. The offender is punished by imprisonment of from one month and one day to one year and a fine of 100,002 to 1 million CFA francs, or to one of these penalties. If the offender has been stripped of his paternal power, the term of imprisonment may be increased up to three years.

I. Abuse and neglect, including physical recovery and social reintegration

1. Punishment for abusing minors and depriving them of food or care

134. This point is covered by Law No. 61/280 of 15 January 1961 and article 187 of the Penal Code which state:

"Any person who deliberately injures or pummels a child under the age of 15 or who deliberately deprives him or her of food or care to the extent of undermining his or her health shall be punished by one to five years' imprisonment and a fine of 100,002 to 600,000 CFA francs.

"If such ill-treatment results in an illness or work disability of over 20 days, or in the case of premeditation or a trap, or yet if the offenders are the legitimate father and mother, natural or adoptive, or other legitimate ascendants, or any other persons having authority over or guardianship of the child, the punishment shall be 3 to 10 years' imprisonment and a fine of 400,000 to 1,000,000 CFA francs.

"If the ill-treatment results in the permanent disability or unintentional death of the child, the punishment shall be hard labour for a specific period, and if the offenders were those described in the preceding paragraph, the punishment shall also be hard labour for a specific period.

"If the injury, pummelling or deprival of food reflects a consistent pattern and results in the unintentional death of the child, the offenders shall be punished by death."

2. Punishment for abducting a child

135. Under article 210 of the Penal Code, the punishment is forced labour for life or death, according as the person seized, detained or abducted has been threatened with death or subjected to physical torture.

3. Prohibition of excision

136. Order No. 66/16 of 22 February 1966 abolishes the practice of excision in the following terms: "The practice of excision is abolished throughout the territory of the Central African Republic". Despite this prohibition, the practice is not on the decline but continuing clandestinely.

137. A national committee to curb traditional practices harmful to the health of women and young girls and violence against women was established by Decree No. 96/005 of 16 September 1969 and requested not only to submit to the Government a plan of action to put an end to such practices and acts of violence but also to organize campaigns to draw them to the attention of the public.

4. Sexual exploitation

138. Offences against public morals, the crime of rape, soliciting and the corruption of a minor are punishable under Law No. 64/26 of 20 November 1964. These acts constitute offences covered and punishable by articles 195 to 201 of the Penal Code.

5. Punishment of sexual molestation

139. The sexual molestation of a minor under 15 years of age is punishable under article 196 in the following terms:

> "Any successful or attempted sexual molestation not involving violence of a child of either sex under 15 years of age shall be punished by imprisonment of one month and one day to five years and a fine of 100,002 to 800,000 CFA francs.
>
> "The term of imprisonment shall be from two to five years if the child is a girl, under 10 years of age, not emancipated by marriage and a student in an educational establishment in which the perpetrator is employed."

6. Punishment of rape

140. Article 197 of the Penal Code defines rape as a crime. If the crime of rape has been committed on the person of a child below the age of 15, the offender shall be punished by the maximum term of hard labour for a specific period. More severe punishments are provided for certain persons found guilty of sexual molestation and the crime of rape as follows:

> "If the offenders are ascendants of the person on whom the offence has been committed, if they are teachers or in the paid service of the persons referred to above or of an educational establishment of which

she is a pupil, if they are ministers of religion or if the offender, whoever he may be, has been assisted in his crime by one or more persons, the punishment shall be increased by one degree."

7. Punishment of soliciting

141. Soliciting is covered by articles 198 to 201 of the Penal Code. Provisions dealing specifically with children are contained in article 201 of the Penal Code in application of Law No. 64/26 of 20 November 1964, which states:

"Any person who commits an offence against public morals by habitually inciting, promoting or encouraging the debauchery or corruption of a young person of either sex under 15 years of age shall be punished by imprisonment for one to five years or a fine of 200,000 to 2 million CFA francs."

J. Periodic review of placement

142. Central African legislation contains no provisions on this subject, so that steps must be taken to make good this legal gap that can be the source of so much harm to children.

VI. HEALTH AND WELFARE

A. General

143. The Central African Republic signed the Convention on the Rights of the Child in extremely difficult circumstances in that, according to the La Baule Declaration, assistance to the African States was to depend on their adoption of democratic institutions. The Declaration gave rise to a large number of political parties and trade unions all voicing conflicting demands, which very quickly brought about almost complete paralysis in all sectors of the country's economy, including the health sector, because of disorderly strikes, street demonstrations, the abandonment of workplaces and absence of motivation.

144. This situation, although it resulted in the emergence of democracy in 1993, unfortunately also gave rise to a large number of difficulties:

(a) The most serious was the steep decline in the number of persons vaccinated (against tuberculosis, measles, polio, diphtheria, whooping cough and tetanus), which fell from 82 per cent in 1989 to under 40 per cent in 1994. This political transition period (1990-1993) put an end to the efforts being made in the context of programmes to curb malaria, diarrhoeal diseases, sexually transmitted diseases and iodine-deficiency disorders, and also resulted in the winding down and even discontinuation of the troublesome birth control programme (a 1992 study revealed a maternal mortality rate of 7.2 per 1,000).

(b) The second difficulty attributable to this transition period was the greatly delayed publication of the National Health Development Plan (PNDS) which, although drawn up in 1988, was finally adopted by the Government only

in 1994 and only after being amended many times because of the repeated replacement of health ministers and other health officials (seven ministers of health between 1988 and 1994).

(c) As a result of these difficulties, the various partners involved have adopted a wait and see attitude since they want to be sure that political conditions are sufficiently stable before committing themselves to the implementation of the PNDS.

(d) This deteriorating situation has been aggravated by the devaluation of the CFA franc and by various structural adjustment programmes, which have been largely responsible for the decline in the population's purchasing power.

B. Health policy

145. Health, education and the economy have been the State's three priorities since the fifth Republic. The "Health sector restarting programme (PRS)" which was accordingly formulated for the year 1994 with the support of UNDP, WHO and UNICEF comprised separate minimum programmes of work to be carried out by each public health establishment in the country and made provision for the equipment and supplies needed as well as for the adoption of an essential drugs policy.

146. The PRS was designed to:

(a) Create the best possible conditions for the implementation of PNDS programmes by mobilizing the population, stimulating and motivating health services and elaborating regulations on the decentralization of the health administration, on the financing of the health sector and on the operation of various primary health-care services; and

(b) Draw the attention of the international community and of partners to the Government's determination to accord priority to the mother-child pair, singled out as the target unit, not only because it is the most vulnerable but also because it constitutes three quarters of the Central African Republic's population (children of 0-18 years of age = 60 per cent and women of 15-45 years of age = 21 per cent), and because mother and child health promotion measures would in many respects benefit the population as a whole.

Basic indicators

Infant mortality rate	97‰
Infant/child mortality rate	157‰
Child mortality rate	67‰
Low birth weight rate	17.5‰
Breastfeeding rate (up to four months)	54‰
Child consultation rate:	
Under one year of age	52‰
0 to five years of age	22‰

Vaccination coverage (children from 12 to 23 months of age)

	June 1993	April 1995
BCG	90%	77%
DPT 3	60%	48%
POLIO 3	60%	46%
Measles	69%	52%
Children completely vaccinated	57%	37%
VAT	81%	70%
Anaemia rate, children of zero to five years of age	60%	
Maternal mortality rate	6.8%	
Birth rate	41.6%	
Prevalence of iodine-deficiency disorders	62%	
Percentage of child births assisted by a health worker	46%	
Percentage of women receiving regular prenatal care	50%	
Chronic malnutrition rate	20%	

147. The above figures clearly reveal the precarious state of the health of the Central African mother and child and explain the Government's decision to accord high priority to this matter in its programme of action.

C. Child health problems

148. Each year tropical diseases take a heavy toll of the Central African population in general and of children in particular. This is because conditions in the country are ideal for the emergence, development and propagation of such diseases owing to (a) the limited availability of drinking water (25 per cent in rural areas and 20 per cent in urban areas), (b) unhealthy living conditions, (c) poverty (average annual household income is US$ 200), (d) malnutrition, (e) ignorance and the persistence of various dangerous traditional practices (excision, the sectioning of the umbilical cord in unhygienic conditions, food taboos, etc.).

149. Diarrhoeal diseases, malaria and acute respiratory infections alone are responsible for the death of one half of the 106,000 children up to five years of age who die each year in the Central African Republic; it may be added that these diseases, together with intestinal infestations, are the main causes of mortality. The incidence of measles and polio varies, reflecting the annual effectiveness of the Expanded Programme of Immunization (EPI) which proceeds in fits and starts, since 90 per cent of its cost is covered by

external assistance (not including staff costs). Tuberculosis has been gaining ground since the emergence of AIDS despite relatively high BCG vaccination coverage, and steps are being taken to determine the extent of this scourge.

150. Other pathologies, even more insidious, such as drepanocytosis, malnutrition and iodine-deficiency disorders cause great harm to children. The three mentioned above affect 62 per cent of the population and constitute a problem of such proportions that in 1995 the Government was obliged to issue an order making it mandatory to sell none other than iodized salt in the Central African Republic.

D. Organization of health and health-care services

151. The Constitution of the Central African Republic states that "The State and other public bodies are jointly responsible for ensuring the physical and mental health of the family and promoting it by means of appropriate social institutions. The State and other public bodies are under an obligation to protect young persons against violence and insecurity, exploitation and moral, intellectual and physical abandonment. This protection is provided through legal measures and appropriate institutions".

1. Institutional arrangements

152. Child health is the responsibility of the Ministry of Public Health and Population, which is called upon to formulate health policies and strategies. In 1989, this Ministry promulgated a framework programme which specified:

(a) The four main principles behind the development of the health system, namely, decentralization, community participation, multisectoral cooperation and promotion of essential drugs; and

(b) The objectives of the health policy, which include meeting the priority needs of the population and particularly those of target groups, namely, the mother-child pair and the disadvantaged.

153. On this basis, the National Assembly adopted Law No. 89/003 of 23 March 1989 setting out general health principles for the Central African Republic and introducing a system under which the population contributed to health costs. In 1994 a National Health Development Programme (PNDS) was adopted for the 1994-1998 period; it took into account the problems referred to above which were to be tackled through specific programmes.

154. Nineteen programmes of this nature were accordingly drawn up and grouped in the following three priority categories:

(a) Increasing the pace of primary health-care activities (national mother and child health-care and family planning programme, national water quality control programme, expanded immunization programme, national nutrition programme, etc.);

(b) More resolute measures to curb endemic diseases (malaria, diarrhoeal diseases, acute respiratory infections, tuberculosis, iodine-deficiency disorders, sexually transmitted diseases, AIDS and human trypanosomiasis);

(c) Strengthening national capacity in various areas (national rehabilitation, construction, equipment and infrastructure programme; national programme for the institutional strengthening of health services; national programme for the development of human resources in the health system; and national health system financing programme).

2. Organizational arrangements

155. The health system has a pyramid-like configuration with three levels of decentralization, namely, central (or national), intermediate (or regional) and peripheral (or prefectural), and comprises the following decision-making bodies and executing agencies:

Decision-making body	Executing agency
Central level	
National primary health-care coordinating committee	Central administration of the Ministry of Health A 260-bed paediatric complex Related ministries Bilateral and multilateral partners
Intermediate level	
5 regional primary health-care committees	5 regional health directorates 4 paediatric hospitals
Peripheral level	
16 prefectural integrated development committees; 11 prefectural primary health-care committees	16 health teams 11 prefectural hospitals each with a paediatric wing and a mother and child health service 160 health centres with a mother and child health and family planning service 220 health posts 68 private clinics

156. The following important measures have also been adopted in connection with the above with a view to the development of the health system:

(a) A guide defining special health-care standards for under-five-year-olds has been prepared so that those not developing normally can be detected and given the appropriate care;

(b) A health system map was produced in 1995 to show: (i) the location of all health-care institutions; (ii) the number and qualifications of staff by training; and (iii) the status and standards of the facilities available;

(c) Ministry of Health Decree No. 0207/MSPP/CAB/SG/DGCPP/DSC/SCASSP/94 of 30 July 1994 specifies the modalities for the creation, organization and functioning of management committees in public health centres and units in the Central African Republic;

(d) Decree No. 94/336 of 29 September 1994 "setting charges for the services of the public health establishments in the Central African Republic" has enabled the issuance of an interministerial decree, signed jointly by the Minister of Finance and the Minister of Health, "setting the rates and modalities of payment for the services of public establishments in the Central African Republic (Decree No. 245/MSPS/CAB/SG/CFPS of 12 September 1995). This decree states in article 3: "Pupils and students shall pay a quarter of the standard charge fixed in this decree". Unfortunately, article 6 provides as follows: "Prenatal, post-natal, family planning and growth monitoring consultations shall be chargeable at the same rates as external consultations", and this clause may discourage mothers from maternal and child health and family planning activities.

157. Furthermore, the lack of geographical concordance of health regions with those of other related ministries (education, agriculture) often makes it difficult to coordinate regional activities. To remedy this situation, the Government in 1994 created a ministry specifically charged with decentralization. This Ministry is now working actively on harmonizing the subdivisions of administrative regions, defining the constituent bodies and determining the modalities for their autonomous administration.

E. Disabled children

158. Considering the many situations that place some children in difficulty, the Government convened a national seminar in December 1994 to decide upon a clear categorization of such children with a view to planning care for them. At the opening of this forum, the Head of State made the following statement: "My commitment to children is firm; as I promised when I took oath, I will always put children at the centre of my policy actions, because children and young persons are our country's future".

159. Ten categories of children with difficulties were identified during the seminar: (i) delinquent children; (ii) street children; (iii) children with AIDS; (iv) disabled children; (v) refugee and displaced children; (vi) children belonging to minorities; (vii) maltreated children; (viii) adopted children; (ix) girls who are idle and school drop-outs; (x) working children. Following the general guidelines for initial reports, these particular categories are dealt with, under various headings of this report, in relation to the articles of the Convention which are most relevant.

160. The latest population census (1988) counted 37,808 disabled persons out of a total population of 2,688,426 (i.e. 1.40 per cent), 10,939 of them being under 19 years of age (i.e. 28.93 per cent). These children may be classified as follows:

Disability	Number	Percentage
Partial paralysis	4 425	40.45
Deaf-mute	1 617	15.28
Total paralysis	1 200	10.96
Deaf	708	6.47
Blind	520	4.75
Hunchbacked	267	2.45
Mental disorder	244	2.23
Other	1 904	17.71
TOTAL	10 939	100%

This table illustrates the predominance of disabilities involving paralysis (51 per cent of all disabled), followed at a considerable distance by deaf-mutism (15.28 per cent). Further research will be necessary to define the causes of these serious disabilities.

1. Care

161. Care for disabled children is under the authority of the Ministry for the Advancement of Women and National Solidarity. This department thus has responsibility for defining policy guidelines for the action of the public services and NGOs. It is within this context that the 1994 seminar was held and, in particular, made the following serious findings:

(a) Absence of a framework for concerted efforts by executing agencies to coordinate activities on behalf of children;

(b) Shortage of specialized institutions and staff for the rehabilitation, reintegration and legal protection of children;

(c) Lack of mobilization of the national community to finance activities on behalf of children.

These findings evidence the lack of a coherent policy for the care of disabled children.

2. Private institutions

162. There are no public institutions for the disabled in the Central African Republic. The Ministry of Social Affairs nevertheless has a directorate for social reintegration whose task is to support the private institutions dealing with disabled persons. However, because of inadequate resources, this directorate limits its involvement to sporadic activities in the capital. The principal activities of private institutions for the disabled are summarized under the following six headings.

(a) National Organization for Disabled Persons (ONAPHA)

163. This NGO has set itself the task of conducting a census of and grouping the disabled with a view to unified action and integration of these persons within the community. Its principal activities are protection of the interests of disabled persons, sports activities and some occupational activities (sewing, basketwork, carpentry, embroidery). Owing to a shortage of resources, its action is limited.

(b) Handicap International

164. More specifically for children, this Franco-Belgian NGO, established in May 1995, aims to achieve the reintegration and readaptation of disabled children through the manufacture of orthopaedic prostheses.

(c) Appliances Centre of the Social Security Office (OCSS)

165. This OCSS centre is directed by a paediatric surgeon and plays the same role as Handicap International.

(d) School for the Deaf

166. This private institution created in 1978 accommodates 130 pupils; schooling has so far been limited to the preparatory level.

(e) Association for the Social Advancement of the Visually Disabled (APROSHAVICA)

167. This State-approved non-profit-making association, created on 10 May 1979 in Bangui and registered with the Ministry of the Interior as number 009/80 on 30 May 1980, comes under the purview of the Ministry of Social Affairs. Pursuant to article 2 of its statutes, it created a centre for education and training of the blind in the Central African Republic (CEFAC) in October 1980. The educational, social and economic goal of this centre is to improve the social well-being of visually disabled persons of both sexes aged 6 to 25 years in its education and vocational training sections. The centre can accommodate 150 pupils.

(f) Centre for Integrated Training of Disabled Persons (CEFIPHA)

168. This centre is the initiative of a secondary school teacher who became blind and was trained in Braille in Mali; on his return, he converted to teaching Braille to young blind persons aged 6 to 18 years, with financial

support from the Catholic Church of Bossangoa and the Christoffel Blinden Mission (CBM), a German association. In addition to reading, the pupils learn about crop farming, livestock raising and basketwork; five children are following this training.

F. Social security

169. Under article 26 of the Convention, the child has the right to benefit from social security. The country's legislation meets this obligation through family allowances, old-age, disability and death pensions, the scheme for compensation and prevention of occupational accidents and diseases, and the creation of a mutual insurance society for the school system.

1. Family allowances

170. Law No. 65/56 establishing a scheme of family allowances for salaried workers states in article 1: "A scheme of family allowances shall be instituted for all workers covered by the Labour Code". Benefits are offered to any salaried national of the Central African Republic or alien residing therein who is carrying on an activity for the account of a natural or legal person, whether public or private, and has one or more dependent children residing in the Republic. Article 7 of the same law specifies the age-limits for persons entitled to benefits as follows: family allowances are payable from birth until the attainment of 14 years of age; this limit may be increased to 17 years for a child placed in an apprenticeship scheme and to 20 years for a child who is engaged in further studies or who suffers from an infirmity or a disease that is incurable.

171. Another point of interest for children in this law concerns social and family welfare. Article 13 states: "In addition to the allowances provided for in the preceding chapters, benefits in kind shall be provided to the family of a worker or any other eligible person undertaking to employ them for the exclusive care of the child. These benefits are to be drawn from a special Social Security Office fund entitled 'Social and Family Welfare Action Fund'".

2. Old age and disability pensions

172. Decree No. 83/340 sets out the conditions for the application of Order No. 81/024 of 16 April 1981 establishing an old-age and disability pension scheme. The scope of this scheme is defined by article 2, paragraph 1, of the decree, and it may be noted that paragraph 3 of the same article assimilates vocational school pupils, students on training courses and apprentices, even if not remunerated, with the workers referred to in paragraph 1. Article 29 includes as beneficiaries, inter alia, the insured's dependent children at the time of death, as defined in the regulations on family allowances.

3. Occupational accidents

173. Children are also provided for in the law on occupational accidents, i.e. Law No. 65/66 of 24 June 1965, which establishes a scheme for compensation and prevention of occupational accidents and diseases.

The beneficiaries include pupils in technical colleges and persons placed in vocational training or rehabilitation centres, as well as youth associations.

4. School mutual insurance society

174. The School Mutual Insurance Society of the Central African Republic (MASCA) was created by Order No. 69/17 of 25 April 1969 to cover accidents to and the liability of pupils. This first ordinance was amended by Order No. 69/69 of 18 November 1969. This text provides for MASCA to cover accidents to pupils and students in any educational establishment in the Central African Republic during educational activities, including during school journeys, and any damage caused by pupils or students under the same conditions. MASCA insurance is compulsory for all pupils and students. However, it has to be admitted that the institution does not perform its tasks to the fullest extent.

G. Child-care services and establishments

175. These are placed under the authority of the Ministry of Social Affairs and fall into two categories: public establishments and non-governmental institutions.

1. Public establishments

176. This category includes kindergartens and the Mother and Child Care Centre.

(a) Kindergartens

177. Children of pre-school age represent 21 per cent of the total population, or more than 500,000 children. There are 163 kindergartens, mostly run by religious (Catholic) organizations, catering for 8,864 children under five years of age; their main aim is to familiarize the child with life in society through pre-school instruction.

(b) The Mother and Child Care Centre

178. This centre, the outcome of cooperation between the Central African Republic and the former Soviet Union, was created in 1972 to accommodate small orphans under four years of age or children of mothers hospitalized because of serious illness. It has 60 beds and offers only a temporary stay for such children, who are later returned to their families or adopted by other persons. Lack of resources makes the operation of the centre difficult (for more details, see chapter V, paragraphs 123-125).

2. Non-governmental institutions

179. These include orphanages and a system of "half-board" that is available to the child for specific reasons if he or she does not wish full board in an orphanage.

(a) Orphanages

180. There are four orphanages: the SOS Children's Village (in Bangui), BethShalum (in Bangui), Maccao (in Bossangoa) and the Batangafo orphanage. Their aim is to provide the children they accommodate with an opportunity for social integration through schooling and apprenticeships in small trades.

(b) The "half-board" scheme

181. This is a scheme adopted by some private socio-educational centres. Such centres cater for disadvantaged children and there is a very limited number of them. Their main goal is to encourage a child experiencing difficulties to establish better relations with adults and achieve recognition as a member of the community. These centres generally make sure that the children attending them are fed, physically clean, have clean clothes and are given various forms of care. It should also be noted that children opting for "half-board" are helped by the persons running the centres concerned to obtain identity cards, follow literacy courses, learn small trades and discover other parts of the Central African Republic.

H. Assistance to parents for child care

182. The following three instruments may be noted:

(a) Decree No. 68/018/PG of 12 January 1968, which authorizes the Treasury to apply a systematic salary withholding if a parent ordered by a court to pay child maintenance is an employee of the State;

(b) Law No. 61/221 of 2 June 1961 establishing the Labour Code;

(c) Law No. 65/56 of 3 June 1965 establishing a scheme of family allowances for salaried workers in the Central African Republic (see also paragraphs 170 and 171 above). Unfortunately, this social protection is still in its infancy and only partly developed, as it does not cover children from families of officials or employees in the private sector. The children of peasants and unemployed persons (i.e. the majority) are not covered by these principles of social security and family allowances, which are moreover not well known by those concerned and therefore are applied only to a small extent.

183. It will be clear from the foregoing that the existing measures and institutions are still insufficient to meet children's needs, and especially the needs of disabled children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

184. In keeping with articles 28 and 29 of the Convention, the Constitution of the Central African Republic provides in article 7 that everyone has the right of access to sources of knowledge and further guarantees children and adults access to instruction, culture and vocational training.

1. Aims of education

185. Article 19 of Order No. 84/031 of 14 May 1984 provides as follows: "The purpose of basic education is mastery by the child or adolescent of the mechanisms of reading, writing, basic arithmetic and mathematics. It also serves as an initiation to technology, the sciences, physical education, productive labour and the duties of the citizen". Such instruction therefore aims to provide a grounding education that is both general and practical, and integrated with the environment.

186. These objectives are being translated into practice through a renewal of the curricula and their adaptation to the realities of the environment, new concepts such as "productive labour", "education for health" and "integrated development" calling for a redefinition of the skills and hence of the training of teachers.

2. The right of children to education

187. The right to education is provided for by Order No. 84/031 of 14 May 1984 dealing with the organization of the educational system. This ordinance states in article 1: "Every child living in the territory of the Central African Republic has the right of access to sources of knowledge without distinction as to sex, race, belief or social circumstances". Priority is attached to primary schooling. The Central African Republic has very clearly marked this priority for basic education particularly in the strategy adopted for the five-year period 1986-1990. This priority, which has been restated many times by the Government, was given concrete form by the States General on Education and Training held in Bangui from 30 May to 8 June 1994.

3. Diversification and professionalization

188. Article 21 of Order No. 84/031 provides that "according to their abilities, pupils shall be directed towards level II or to centres of practical training", and article 22 specifies that "basic education in level II shall ensure a deepening of pupils' theoretical knowledge and practical skills with a view to their integration into working life".

189. The Central African Republic is now setting targets for such professionalization. It has given priority to the development of technical and scientific education; studies for the reorganization of these two forms of instruction are currently under way. The practical and vocational training centres will also be modernized.

190. It should be pointed out that the education of children with difficulties (deaf-mutes, the blind, street children, etc.) is ensured by specialized institutions. These programmes maintained and promoted by non-governmental organizations are to be viewed in the context of social reintegration (see, for example, chapter V, section F, and chapter VI, section E).

B. Leisure, recreation and cultural activities

191. Article 9 of the Constitution guarantees every citizen the right to leisure in keeping with the requirements of national development and article 13 recognizes and guarantees freedom of intellectual, artistic and cultural creation. For schoolchildren, this right to leisure is embodied in Ministerial Decree No. 170/MENJSACRS of 1970, which requires all educational institutions to set aside Wednesday afternoons for rest and dedication to artistic, cultural and sports activities. Non-compliance with this text limits the participation of schoolchildren in healthy forms of leisure. Working children under 18 years of age are entitled to two working days of rest per month (article 128 of the Labour Code).

192. The results of a survey conducted in September 1994 by UNICEF in four cities with a sample of 522 children aged 6 to 19 years show that these children have some difficulty in pursuing healthy leisure activities. The various outdoor activities and indoor audiovisual entertainment proposed by some private individuals are subject to a charge and are contributing to the resurgence of juvenile crime. The uncensored films shown throughout the day in many video halls constitute a danger to the morals of adolescents; in order to reduce the attendant risks of social deviance, the Government's policy statement has called for a redynamizing of the artistic and cultural facilities (youth and culture centres, museums, libraries) available in the provinces.

193. The education, leisure and artistic and cultural activities of the child were at the centre of the discussions in the States General on Children and Youth held in Bangui from 7 to 10 November 1995. Implementation of the recommendations arising from these sessions will encourage the physical, moral and mental development of children, enhancing their sense of individual and collective responsibility.

VIII. SPECIAL PROTECTION MEASURES

A. Children in emergency situations

1. Refugee children

194. The Central African Republic is a host country for refugees coming from neighbouring countries that are experiencing social and political unrest or civil wars. The refugees are placed under the protection of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Central African State. Within this refugee population there are large numbers of children who are particularly vulnerable (according to UNHCR). Between 1990 and 1993 there was an inflow of Ethiopian refugees whose children would beg passers-by for money under the very eyes of their parents.

2. Children in armed conflict

195. The Convention calls for the application of the international humanitarian law contained in the Geneva Conventions of 12 August 1949 and the 1977 Additional Protocols. The Central African Republic ratified the Geneva Conventions on 1 August 1966. This demonstrated its political will to apply

them in cases of armed conflict. The recommendations of the States General on Children provide in article 2.7 for the texts designed to ensure the legal protection of such children to be made available in the refugee camps (UNHCR and CNR).

B. Children in conflict with the law

1. The administration of juvenile justice

196. Under article 40 of the Convention on the Rights of the Child, the fundamental rights of any child suspected or found guilty of having committed an offence are to be respected. It must be acknowledged that there is no court for juveniles in the Central African Republic. Minors are tried in public proceedings, in the same way as all other offenders, notwithstanding the legal rules prohibiting the publicity of such hearings in the interests of the child.

197. After the ratification of the Convention, a bill to establish juvenile courts was put forward and a bill on juvenile offenders was prepared. Some judges were thus designated to attend a special training course for juvenile magistrates.

198. It should be pointed out that there are no placement centres or supervised establishments. The events of January and April 1979, during which children took to the streets to protest against the non-payment of wages to their parents and the wearing of uniforms and the killings that took place later in Ngaragba prison, tell us a great deal about this situation.

2. Treatment of children deprived of their liberty

199. For children deprived of their liberty, the procedure applied hitherto consists in taking them into custody and bringing them before the Government Procurator in the same way as adults. The matter is then referred to the court, which acts as a juvenile court where appropriate and can examine the case or designate a judge to do so.

200. According to statistics published by the Central Census Office in 1988, there were 32 juvenile prisoners aged 10 to 14 years and 20 aged 15 to 19 years. It should be noted that, before the fall of the empire in 1979, there was a block for minors in the Ngaragba prison but, since the events which followed, that block no longer exists. Juvenile inmates are therefore mixed with adults and suffer all kinds of ill-treatment, a situation that predisposes them to committing reprehensible acts which lead them to serious crime (statistics on decisions rendered in 1993-1995).

3. The sentencing of juveniles

201. Article 49 of the Penal Code states: "When a person under 16 years of age commits an offence, he or she is to be brought before a juvenile magistrate, who shall examine the matter with all the powers of an examining magistrate and may then either impose the penalties set by this Code or a

lesser penalty, of which the minimum shall be a police court sentence, or else not pronounce any sentence and take all the measures he deems appropriate to ensure the juvenile's reform and rehabilitation". However, juveniles under 14 years of age can be subject only to rehabilitation measures. Protecting children in the absence of adequate infrastructure facilities means that criminal punishment and the treatment of juvenile offenders become mere formalities.

202. Owing to the lack of specialized rehabilitation centres, juveniles will regain their liberty and be more likely than ever to commit the same offences. This kind of situation irritates and annoys the judge, as practitioner of the law, and discourages potential litigants, who no longer see any point in reporting offences which the justice system is unable to remedy.

203. The following tables show the sentences passed on juveniles found guilty of offences and provide information relating thereto.

Juveniles prosecuted or sentenced in 1994, 1995 and 1996 in Bangui

	1994	1995	1996
Number of juveniles sentenced	205	221	141
Number of juveniles involved in offences committed with adults	7	0	1

Types of offences against persons committed by juveniles

	1994	1995	1996
Rape	5	9	9
Sexual assault	16	16	4

204. There is currently no policy in the Central African Republic for the resocialization of imprisoned children when they leave prison. However, the NGO MARSUPIAL provides training for children in detention with a view to their resocialization on leaving prison. The States General on Children and Youth recommended:

(a) Regulating the administration of juvenile justice by creating juvenile courts and accelerating the training of juvenile magistrates as well as of specialist educators for young persons;

(b) Training psychologists;

(c) Setting up brigades for minors to keep a watch on juvenile crime.

C. Children who are exploited, including their physical and psychological recovery and social reintegration

Economic exploitation and child labour

205. In the informal sector, children are exploited on a large scale. This includes exploitation in the family, exploitation for the family's account, work for the child's own account and exploitation of children in agro-industry. However, the legislation of the Central African Republic provides for the protection of children at work (arts. 20 et seq. of the Labour Code).

Conclusion

206. It will be immediately apparent from the foregoing that since its accession to independence in 1960 the Central African State has always paid particular attention to the situation of children. However, given the immensity and complexity of the tasks of all kinds that needed to be tackled by the national administration with very limited staff, few legislative or regulatory measures governing the various aspects of the situation of children have been taken, notwithstanding the constantly repeated willingness of the political leaders to do so. Thus, we are still faced today with some incongruous situations where, owing to the lack of appropriate instruments, the judge is forced to resort to French laws that are completely ill-adapted and obsolete. And when at times there are regulations, their application is hampered by the absence of appropriate institutions (as in the case of the penal system for juveniles).

207. Nevertheless, it must be recognized that enormous efforts have been made in recent years to address the situation of children in the Central African Republic in a methodical and systematic fashion, with a view to gathering the data necessary for the formulation of a suitable policy on children, as attested by the preparation of a draft family code, the States General on Children and Youth and the reform of the justice system, all of which focus especially on the problems of children.

208. Some major concrete achievements may also be noted:

(a) In the field of health (very dynamic immunization programme, intensive campaign to combat disorders due to iodine deficiency, diarrhoeal diseases, malaria; campaign for the promotion of breast feeding, birth spacing, the prohibition of abortion; markedly greater access to drinking water, essential drugs, primary health-care services, etc.);

(b) In the field of education, enormous efforts have been made, despite the State's very modest resources, to build hundreds of schools, even if the situation is far from satisfactory;

(c) At the legal level, the Central African Republic has ratified several international instruments for the defence and protection of human rights, including the Convention on the Rights of the Child;

(d) At the political level, the first Children's Parliament has been established.

These steps have led to the emergence of a large number of private associations concerned with the situation of children. The lack of a national policy setting forth the main orientations and strategies for the comprehensive care of children in the Central African Republic is still a major constraint on effective action for the benefit of children. However, there is fortunately every reason to believe that such a policy will soon be formulated, especially as for several years now there has been increasing support from certain organizations of the United Nations system, such as the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).